

**MCKEE, VOORHEES & SEASE, PLC**  
**MCKEE VOORHEES & SEASE, PLC**

ATTORNEYS AT LAW

801 GRAND AVENUE • SUITE 3200 • DES MOINES, IA 50309-2721  
PHONE: 515-288-3607 • FAX: 515-288-1338 • www.ipmvs.com

DATE: July 13, 2007

TO: COMMISSIONER FOR PATENTS  
ATTENTION REFUND BRANCH  
Accounting Division, Office of Finance

COMPANY: MAIL STOP 16

PHONE:

FAX: 571-273-6500

FROM: HEIDI S. NEBEL

NUMBER OF PAGES (Including cover): 10

Please file the attached **REQUEST FOR REFUND (Improper charges to Deposit Account)** for the following:

APPLICANT : WELSH, Michael J. et al.  
SERIAL NO : 10/659,467  
FILED : September 10, 2003  
TITLE : NOVEL COMPOSITIONS AND METHODS  
FOR MODULATION OF THE ACID-SENSING ION  
CHANNEL (ASIC) FOR THE TREATMENT OF ANXIETY  
AND DRUG ADDICTION

Grp./A.U. : 1614  
Examiner :  
Conf. No. : 6078  
Docket No : P05405US01

THE DOCUMENTS ACCOMPANYING THIS FACSIMILE TRANSMITTAL COVER SHEET CONTAIN INFORMATION FROM THE LAW FIRM OF MCKEE, VOORHEES & SEASE WHICH MAY BE CONFIDENTIAL AND/OR LEGALLY PRIVILEGED. THE DOCUMENTS ARE INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE ADDRESSEE IDENTIFIED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING THESE DOCUMENTS TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY REVIEW, DISCLOSURE, COPYING, DISTRIBUTION OR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS TRANSMITTED INFORMATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE IMMEDIATELY NOTIFY THIS FIRM SO THAT WE CAN ARRANGE FOR THE RETURN OF THE ORIGINAL DOCUMENTS TO US. THANK YOU.

## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : WELSH, Michael J. et al.  
SERIAL NO : 10/659,467  
FILED : September 10, 2003  
TITLE : NOVEL COMPOSITIONS AND METHODS FOR MODULATION OF  
THE ACID-SENSING ION CHANNEL (ASIC) FOR THE  
TREATMENT OF ANXIETY AND DRUG ADDICTION

Grp/A.U. : 1614  
Examiner :  
Conf. No. : 6078  
Atty Docket No : P05405US01

Commissioner for Patents  
Attention: Refund Section, Accounting Division, Office of Finance  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR REFUND**  
(Improper charge of Deposit Account)  
(37 CFR 1.26(b))

**I. REFUND REQUEST**

This is a request for a refund with respect to the charge to Deposit Account 26-0084 on May 17, 2007 (a copy of the Deposit Account Statement attached) for the above-identified application.

---

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))**

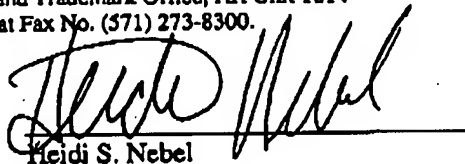
I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

☐ deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 7/13/07**FACSIMILE/ELECTRONIC**

☒ transmitted by facsimile/electronic to the Patent and Trademark Office, Art Unit 1614 at Fax No. (571) 273-8300.

  
Heidi S. Nebel

**II. FEES CHARGED FOR WHICH REFUND REQUESTED**

CODE		Charged	Should have charged
1201	Claims	\$801.00	0
1202	Claims	\$198.00	0
		\$999.00	0

**III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR**

The above application was originally filed incorrectly as a small entity on September 10, 2003. On September 16, 2004 (copy attached) a Notification of Error in Payment of Fees As Small Entity was filed. In this document filed September 16, 2004 Applicant paid the difference from small entity to large entity in the total amount of \$959.00 with our check #71203 (copy attached). On November 8, 2004, the Office of Petitions sent a notice stating the submission of additional fees had been accepted (copy attached).

On May 17, 2007, a duplicate fee of \$999.00 was taken from our Deposit Account No. 26-0084 as set out above. This represents a duplicate payment as our check #71203 was received, accepted and acknowledged by the PTO. Please enter all these documents and credit our Deposit Account accordingly as shown below.

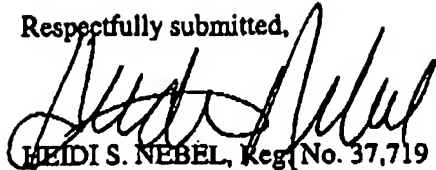
**IV. MANNER OF REFUND**

Please make refund by

☒ crediting Deposit Account No. 26-0084 the amount of \$999.00

☐ refunding payment

Respectfully submitted,



HEIDI S. NEBEL, Reg. No. 37,719  
McKEE, VOORHEES & SEASE, P.L.C.  
801 Grand Avenue, Suite 3200  
Des Moines, Iowa 50309-2721  
Phone No. (515) 288-3667  
Fax No. (515) 288-1338

CUSTOMER NO: 27407  
Attorneys of Record

-bjh-

## Deposit Account Statement

Page 4 of 6

05/15 2198 10731208	P04419US01	1201	\$200.00	\$32,820.70
05/15 2448 11150455	P06797US01 - PHI P1897	1253	\$1,020.00	\$31,600.70
05/15 2488 11150458	P06797US01 - PHI P1897	1808	\$180.00	\$31,420.70
05/15 12 10784900	P08285US01 - PHI 1371	1484	-\$130.00	\$31,550.70
05/15 13 10784900	P08285US01 - PHI 1371	1482	\$400.00	\$31,150.70
05/15 4312 11305685	P07286US01	2202	\$175.00	\$30,975.70
05/15 4313 11305685	P07288US01	2201	\$100.00	\$30,875.70
05/15 4338 11225518	P07286US00	2202	\$75.00	\$30,800.70
05/15 4337 11225518	P07286US00	2201	\$100.00	\$30,700.70
05/15 237 6654891	P05213US00; S915-2	2551	\$450.00	\$30,250.70
05/15 4884 11748593	P07936US01	4011	\$75.00	\$30,175.70
05/15 4685 11748593	P07936US01	2111	\$250.00	\$29,925.70
05/15 4686 11748593	P07936US01	2311	\$100.00	\$29,825.70
05/15 4687 11748593	P07936US01	2202	\$25.00	\$29,800.70
05/15 4688 11748593	P07936US01	2201	\$100.00	\$29,700.70
05/15 714 11748593	P07936USD01; A091-43	8021	\$40.00	\$29,660.70
05/15 5289 11748660	P07890US00	4011	\$75.00	\$29,585.70
05/15 5301 11748660	P07890US00	2311	\$100.00	\$29,485.70
05/15 5300 11748660	P07890US00	2111	\$250.00	\$29,235.70
05/15 881 11748660	P07890US00; W386-26	8021	\$40.00	\$29,195.70
05/16 1951 11748929	P07936US02	4011	\$75.00	\$29,120.70
05/16 1952 11748929	P07936US02	2111	\$250.00	\$28,870.70
05/16 1954 11748929	P07936US02	2202	\$25.00	\$28,845.70
05/16 1955 11748929	P07936US02	2201	\$100.00	\$28,745.70
05/16 1953 11748929	P07936US02	2311	\$100.00	\$28,645.70
05/16 100 5992338	P02232US00 - R311-3	2552	\$1,150.00	\$27,495.70
05/16 729 29278358	P07900US00 - B540-195	8021	\$40.00	\$27,455.70
05/17 23 29278358	P07900US00	2051	\$65.00	\$27,390.70
05/17 816 09777761	P04722US0	2251	\$60.00	\$27,330.70
05/17 10 PCT/US05/37843		9204	-\$157.00	\$27,487.70
→ 05/17 8 10659467	P05405US01	1201	\$801.00	\$26,686.70
→ 05/17 8 10659467	P05405US01	1202	\$198.00	\$26,488.70
05/18 38 2861784	R018-3 2,861,784	8521	\$40.00	\$26,448.70
05/18 37 2861784	R018-3 2,861,784	8522	\$75.00	\$26,373.70
05/18 584 77183883	D565-111	7001	\$325.00	\$26,048.70
05/18 651 78563639	F162-20 78/563,839	7005	\$100.00	\$25,948.70
05/18 652 78563639	F162-20 78/563,839	7004	\$160.00	\$25,788.70
05/18 1844 11750124	P07884US00	4011	\$75.00	\$25,723.70
05/18 1545 11750124	P07884US00	2111	\$250.00	\$25,473.70
05/18 1547 11750124	P07884US00	2203	\$180.00	\$25,293.70
05/18 1546 11750124	P07884US00	2311	\$100.00	\$25,193.70
05/18 838 2109131	D565-52 2,109,131	7205	\$100.00	\$25,093.70
05/18 839 2109131	D565-52 2,109,131	7201	\$400.00	\$24,693.70
05/18 74 77163893	T55445US00	8507	\$15.00	\$24,678.70
05/18 104 1383220		8504	\$30.00	\$24,648.70
05/18 105 964060		8504	\$30.00	\$24,618.70
05/18 106 1318124		8504	\$30.00	\$24,588.70
05/18 107 762217		8504	\$30.00	\$24,558.70
05/21 55 2104300	B606-9 2,104,300	7205	\$100.00	\$24,458.70
05/21 56 2104300	B606-9 2,104,300	7201	\$400.00	\$24,058.70
05/21 284 11750814	P08023US00	4011	\$75.00	\$23,983.70
05/21 285 11750814	P08023US00	2111	\$250.00	\$23,733.70
05/21 286 11750814	P08023US00	2311	\$100.00	\$23,633.70
05/21 107 2511469	B746-6 2,511,469	7205	\$100.00	\$23,533.70



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

MCKEE VOORHEES & SEASE  
801 GRAND AVENUE  
SUITE 3200  
DES MOINES, IA 50309-2721

COPY MAILED

NOV 08 2004

OFFICE OF PETITIONS

In re Application of :  
Michael J. Welsh et al :  
Application No. 10/659,467 : NOTICE  
Filed: September 10, 2003 :  
Attorney Docket No. P05405US01 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby ACCEPTED.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (703) 305-9285.

This matter is being referred to the Office of Initial Patent Examination.

*Wan Laymon*  
Wan Laymon  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

PATENT APPLICATION SERIAL NO. \_\_\_\_\_

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

09/12/2003 SDIRETA1 00000033 10659467

01 FC:EW01	375.00 DP
02 FC:EW02	99.00 DP
03 FC:EW03	420.00 DP

PTO-1556  
(5/87)

U.S. Government Printing Office: 2002 — 489-267/89033

07/30/2007 SDIRETA1 00000001 10659467

01 FC:2001	375.00 DP
02 FC:2201	420.00 DP
03 FC:2202	99.00 DP



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22315-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (e) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/659,467	09/10/2003	Michael J. Welsh	POS405US01

CONFIRMATION NO. 6078

## FORMALITIES LETTER



\*OC000000013467884\*

22885  
MCKEE, VOORHEES & SEASE, P.L.C.  
801 GRAND AVENUE  
SUITE 3200  
DES MOINES, IA 50309-2721

Date Mailed: 08/08/2004

Adjustment date: 04/30/2007 NTEKLENI  
09/12/2003 SDIRETAI 00000033 10659467  
01 FC:2001 -375.00 OP  
02 FC:2202 -99.00 OP  
03 FC:2201 -420.00 OP

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

1/13/2004 NTEKLENI 00000035 10659467

FC:2051 65.00 OP

FILED UNDER 37 CFR 1.53(b)

Adjustment date: 05/17/2007 NTEKLENI  
04/30/2007 NTEKLENI 00000005 10659467  
03 FC:1622

Filing Date Granted 05/17/2007 HTEKLENI 00000003 260084 10659467  
01 FC:1201 801.00 DA  
02 FC:1202 198.00 DA 59.00 OP

## Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.138(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.18(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - More than one figure is present and each figure is not labeled "Fig." with a consecutive Arabic numeral (1, 2, etc.) or an Arabic numeral and capital letter in the English alphabet (A, B, etc.) (see 37 CFR 1.84(u)(1)). See Figure(s) 1D, 5C.

## SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

04/30/2007 NTEKLENI 00000005 10659467

01 FC:1001 770.00 OP  
02 FC:1051 130.00 OP  
03 FC:1622 59.00 OP

Adjustment date: 07/30/2007 SDIRETAI  
05/17/2007 HTEKLENI 00000003 260084 10659467  
01 FC:1201 801.00 DA  
02 FC:1202 198.00 DA 59.00 OP

Adjustment date: 07/30/2007 SDIRETAI  
04/30/2007 NTEKLENI 00000005 10659467  
01 FC:1001 770.00 OP  
02 FC:1051 130.00 OP

07/30/2007 SDIRETAI 00000002 10659467

01 FC:2051 65.00 OP